

### **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1-6 and 8-20 remain in the application and claims 1, 18 and 20 are independent.

The Office Action dated April 22, has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1, 4-6, 8-11 and 13-20 stand rejected under 35 U.S.C. § 103(a) as obvious over Margulis in view of Hsu and U.S. Pat. No. 6,930,661 to Uchida et al. (“Uchida”). Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claims 1, 18 and 20 have been amended to recite a combination of elements in a wireless terminal, a method of controlling a wireless terminal and product controlling same including a base device which communicates using a plurality of transmission channels, either (i) video data and/or audio data, or (ii) a control command containing transmission channel switching information; and wherein the wireless terminal switches the transmission channels either (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, or (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which corresponds to time in which the wireless terminal maintains one of the transmission channels. Applicant respectfully submits that this combination of elements as set forth in independent claims 1, 18 and 20 is not

disclosed or made obvious by the prior art of record, including Margulis, Hsu and Uchida.

Margulis merely shows a conventional wireless television system that may select from among a number of broadcast input sources 122, 128, 134 input to a switcher 138 and selected by a remote controller 310. Margulis fails to show or suggest communication between a base device and a wireless terminal through a plurality of transmission channels, not broadcast channels, and wherein the wireless terminal switches the transmission channels either (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, or (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which corresponds to time in which the wireless terminal maintains one of the transmission channels.

Hsu shows a communication condition detection system wherein a monitor tool 21 monitors signal communication conditions between a mobile station 5 and a wireless network 3. Hsu fails to show or suggest communication between a base device and a wireless terminal through a plurality of transmission channels, not broadcast channels, and wherein the wireless terminal switches the transmission channels either (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, or (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which corresponds to time in which the wireless terminal maintains one of the transmission channels.

The Examiner states that Uchida selects broadcast television signals of a selected channel. Applicant respectfully submits that to the contrary, that is not what is being claimed. The claims now make clear, as they did before, that the selection of a broadcast channel is not the selection being claimed. A broadcast channel is not a transmission channel. Clearly, the claims are directed to communication between a base device and a wireless terminal through a plurality of transmission channels, not broadcast channels, and wherein the wireless terminal switches the transmission channels either (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, or (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of

transmission channels and which corresponds to time in which the wireless terminal maintains one of the transmission channels.

A careful review of Uchida reveals it only includes the following features: a bidirectional communication system which includes external devices such as a display apparatus 100, a base apparatus 200 and a set-top box 300; the display apparatus 100 transmits a control signal to the base apparatus 200; in accordance with a control signal from the display apparatus 100, the base apparatus 200 (a) selects a video signal and/or an audio signal (which is in this case an analog television broadcast signal) that the base apparatus 200 itself has received or (b) transmits a control signal to an external apparatus such as the set-top box 300 which receives digital satellite broadcast signals; and the display apparatus 100 receives a video signal and/or an audio signal from the base apparatus 200 or from the external apparatus such as the set-top box 300 via the base apparatus 200. Thus, Uchida neither discloses nor suggests (1) the wireless terminal communicates with the base device by using a plurality of transmission channels, and (2) the base device selects each one of the plurality of transmission channels in every cycle.

Furthermore, a feature of the instant wireless communication is based upon a transmitter transmitting a confirmation signal to a receiver, the transmitter waiting for reception of an acknowledge signal ACK transmitted from the receiver, and when the transmitter does not receive the ACK signal with the predetermined period of time  $TS$ , the transmission channels are switched. And in conjunction with the processing at the transmitter, the receiver also switches the transmission channels, such that when the receiver does not receive the confirmation signal within a predetermined period of time  $TJ > TS$ , the transmission channel is switched.

In addition, according to one feature of the invention, the wireless terminal switches the transmission channels every cycle corresponding to not less than a period during which the base device selects all of the transmission channels. Therefore, even when the wireless terminal and the base device simultaneously switch the transmission channels, this feature of the invention makes sure to find a transmission channel on which the wireless terminal and the base device can communicate with each other, thus ensuring communication. Uchida does not show or suggest this feature.

Finally, the wireless terminal having this feature switches transmission channels every cycle

corresponding to a period during which the base device selects all the transmission channels and corresponds to time in which the wireless terminal maintains one of the transmission channels. Consequently, another feature of the invention is that all of the transmission channels are examined until the wireless terminal stops maintaining one of the transmission channels, and thereafter the wireless terminal switches the transmission channels, and thus, constant communication can be ensured by switching the transmission channels so as to avoid interruption of the communication. Uchida does not show or suggest this feature. Applicant respectfully submits that the combination of elements as set forth in independent claims 1, 18 and 20 is not disclosed or made obvious by the prior art of record, including Margulis, Hsu and Uchida, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 4-6, 8-11, 13-17 and 19, Applicant submits that claims 4-6, 8-11, 13-17 and 19 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 4-6, 8-11, 13-17 and 19 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Margulis, Hsu and Uchida, and further in view of Forler. This rejection is also respectfully traversed. Forler was cited to show a viewer blocking system that permits access to a channel or maintains the channel as unblocked, as described in column 6. Forler fails to show or suggest communication between a base device and a wireless terminal through a plurality of transmission channels, not broadcast channels, and wherein the wireless terminal switches the transmission channels either (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, or (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which corresponds to time in which the wireless terminal maintains one of the transmission channels, and therefore fails to remedy the defects of Margulis, Hsu and Uchida discussed above.

Claims 3 and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Margulis, Hsu and Uchida, and further in view of Sano. This rejection is also respectfully traversed. Sano was cited for a LAN radio system which can display reception quality based on field intensity. Sano

fails to show or suggest communication between a base device and a wireless terminal through a plurality of transmission channels, not broadcast channels, and wherein the wireless terminal switches the transmission channels either (i) every cycle corresponding to not less than a period during which the base device selects each one of the plurality of transmission channels, or (ii) every cycle corresponding to a period during which the base device selects each one of the plurality of transmission channels and which corresponds to time in which the wireless terminal maintains one of the transmission channels, and therefore cannot remedy the defects of Margulis, Hsu and Uchida discussed above.

### Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: June 15, 2009

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant